

**Notice of Allowability**

Application No.

09/318,438

Examiner

CHAMELI C. DAS

Applicant(s)

PITZEL ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment filed on 12/13/05.
2. ☒ The allowed claim(s) is/are 1-18, 20-30, 32-37, 39, 41-46, 53-54, 61-63, and 65-68 (newly numbered claims are 1-51).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/8/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

1. This action is in response to the amendment filed on 12/13/06.
2. Claims 1, 13, 20, 32, 39, 41, and 61 have been amended.
3. Claims 31, 38, 40, 49, 50, 55-60, and 64 have been canceled.
4. Claims 19, 47-48 and 51-52 have been canceled (See Examiner's Amendment).
5. Claims 65-68 have been added.
6. Claims 1-18, 20-30, 32-37, 39, 41-46, 53-54, 61-63, and 65-68 have been allowed.
7. Drawings filed on 5/25/1999 have been accepted by the Examiner.

#### **EXAMINER'S AMENDMENT**

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Al AuYeung, applicant's attorney on 3/6/06.

The application has been amended as follows:

***In the claims:***

1. ***(Currently amended)*** A computing device implemented method of selecting software components for installation on a client computing device, the method comprising:

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receiving, from the client computing device, a request for an upgrade of a first software component capable of being processed by the client computing device;

receiving configuration information indicating a software configuration of the client computing device and indicating at least one additional software component necessary for post-upgrade execution of the first software component, the at least one additional software component being determined to be missing from the client computing device;

identifying second software components for installation on the client computing device based at least in part upon the request and the configuration information, the second software components comprising:

the upgrade of the first software component, and

the at least one necessary additional software component determined to be missing from the client computing device and necessary for post-upgrade execution of the first software component; and

transmitting the second software components to the client computing device.

**13. (Currently amended)** A computer system having a configuration subject to change over time, the computer system comprising:

a first computer having one or more system resources;

a second computer operably coupled with the first computer via a network, the second computer associated with one or more installable components and operative to receive a request for an upgrade of one or more components from the first computer;

a configuration file that is readable by the first computer, the configuration file identifying at least one component on the first computer to be upgraded;

an upgrade manager executing on the first computer, the upgrade manager operative to transmit the configuration file and information about the system resources of the first computer to the second computer, the information including indications of components of an operating system that are executable by the first computer; and

an upgrade handler executing on the second computer, the upgrade handler operative to identify installable components based upon the at least one component to be upgraded in the configuration file and the system resources of the first computer, the upgrade handler operative to transmit to the first computer software components comprising:

the at least one component to be upgraded and one or more components to be executed along with the operating system that are necessary for execution of the at least one component on the first computer after the at least one component has been upgraded, but missing on the first computer before the at least one component is upgraded.

**19. (Cancelled)**

**20. (Currently amended)** A computer system for selecting components for installation on a client computing device, the system comprising:

means for receiving<sub>1</sub> from a client computing device via a network, a request to upgrade one or more non-operating system components of the client computing device;

means for determining one or more system conditions regarding the client computing device, the system conditions including a type of operating system that is executing on the client computing device;

means for identifying components to be installed on the client computing device before upgrading the one or more components of the client computing device, the identifying being based upon the request and the system conditions including the type of operating system that is executing on the client computing device, and the identified components comprising the non-operating system component(s) to be upgraded and one or more components of the operating system necessary for post-upgrade execution of the non-operating system components, but missing on the client computing device; and

transmitter adapted to transmit the identified components to the client computing device via the network.

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**39. (Currently amended)** A computer system for selecting components for installation, the computer system comprising:

a server computer having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade handler residing in the computer-readable storage medium and being executed on the server computer, the upgrade handler configured to identify components upon receiving via the data communication subsystem one or more system conditions of a client computing device and a request to upgrade one or more non-operating system components of the client computing device, the system conditions including indications about an operating system that is executing on the client computing device, the identified components including, but not limited to, the component(s) to be upgraded and one or more non-operating system components of an operating system that are necessary for post-upgrade execution of the non-operating system components on the client computing device but missing on the client computing device before the components are upgraded, and the ~~server computer~~ identifying of the components being based at least in part on the received one or more system conditions and the request to upgrade, and the upgrade handler informing either client computing device or another computer system of the identified components to allow the other computer system to transmit the identified components to be installed on the client computing device.

**41. (Currently amended)** A computer implemented method of selecting components for installation on a client electronic device, the method comprising:

determining one or more system conditions regarding the electronic device, the system conditions including one or more operating system components that are being executed on the electronic device;

transmitting a request to upgrade one or more non-operating system components of the electronic device to a server computer via a network, the request to upgrade including the determined system conditions of the electronic device; and

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receiving the requested upgrades and additional components, the additional components including, but not limited to, one or more components with an operating system that are necessary for post-upgrade execution of the non-operating system components on the client computer but missing on the client computer pre-upgrade; and installing the received components on the client computer.

**Claims 47-48 (Cancelled)**

**Claims 51-52 (Cancelled)**

### **REASON FOR ALLOWANCE**

9. The following is an examiner's statement of reason for allowance:

The cited prior art taken alone or in combination fail to teach in combination with the other claimed limitations, a method of selecting software components for installation on a client computing device, the method comprising: receiving configuration information indicating a software configuration of the client computing device and indicating at least one additional software component necessary for post-upgrade execution of the first software component, the at least one additional software component being determined to be missing from the client computing device; identifying second software components for installation on the client computing device, the second software components comprising: at least one necessary additional software component determined to be missing from the client computing device and necessary for post-upgrade execution of the first component; and transmitting the second software components to the client computing device, as recited in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

10. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Utilization of information "push" technology, US 6807558 B1

TITLE: System and method for quick downloading of electronic files, US 6401239 B1

TITLE: Run-time object-synthesis and transparent client/server updating of distributed objects using a meta server of all object descriptors, US 5920725 A

TITLE: Methods for managing the distribution of client bits to client computers, US 6718549 B1

TITLE: Method and system for client/server and peer-to-peer disk imaging, US 6144992

TITLE: Client-Server Computing, author: Alok Sinha, ACM, July 1992.

TITLE: Managing Update Conflicts in Bayou, A Weakly Connected Replicated Storage System, author: Terry et al, ACM, 1995.

TITLE: Efficient Transparent Application Recovery in Client-Server Information Systems, author: Lomet et al, ACM, 1998.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

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The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**  
*3/10/06*